

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-42493 of 2020.

Decided on:- December 23, 2020.

Gurpreet Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Gurjeet Kaur, Advocate for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.199 dated 03.12.2019 under Sections 363 and 366-A IPC (Section 120-B IPC added later on) registered at Police Station Jaito, District Faridkot.

Learned counsel for the petitioner has argued that the petitioner and the prosecutrix had approached this Court by way of ***CRWP No.3469 of 2020*** titled as ***Jaspreet Kaur and another v. State of Punjab and others*** so as to seek protection of their life and liberty for having solemnised marriage against the wishes of the parents of the girl. The said petition was disposed of by this Court vide order dated 25.06.2020 with a direction to the police authority to look into the representation of the petitioners for protection of their life and liberty.

She has referred to the affidavit dated 07.11.2019 (Annexure P-4) furnished by the prosecutrix, wherein she has admitted the factum of filing of the aforesaid petition before this Court. She further submits that the matriculation certificate (Annexure P-5) shows that the date of birth of the

prosecutrix is 26.03.2002 and in this manner, on the date when she solemnised marriage with the petitioner, she had attained the age of majority. The petitioner is in custody since 22.10.2020.

Learned State counsel has submitted that as per the birth certificate issued by the Registrar (Births and Deaths), the date of birth of the prosecutrix is 26.11.2002. However, he does not dispute the custody of the petitioner.

I have heard learned counsel for the parties.

The argument of learned State counsel that as per the birth certificate, the date of birth of the prosecutrix is 26.11.2002 is a matter required to be adjudicated during the trial.

Be that as it may, the petitioner is in custody since 22.10.2020 and he along with the prosecutrix has already approached this Court seeking protection of their life and liberty. Therefore, this Court finds that no useful purpose would be served by detaining the petitioner in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

(HARI PAL VERMA)
JUDGE

December 23, 2020
Yag Dutt

Whether speaking/reasoned:	Yes
Whether Reportable:	No